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contacts even if one end of said bar is in contact with one of said end members, whereby movement of said switch causes said bar to bridge said contacts sending an electrical signal to said circuit and causing said light source to be illuminated.

#### REMARKS

#### DRAWINGS

The drawings were objected to as failing to comply with 37 C.F.R. 1.84 (p) (5) because they include the reference character "73" not mentioned in the specification. The specification has been amended to incorporate the "extensions 73" as shown above.

The drawings were further objected to under 37 C.F.R. 1.83(a) in that claims 9 and 23 recited the feature of "said electrical contacts are clips." It was stated that this feature "must be shown or the feature(s) cancelled from the claims." Claims 9 and 23 have been cancelled. From the foregoing it is believed clear that the drawings and the specification are now consistent and no new matter has been included. Thus no new drawings sheets should be required.

#### CLAIM OBJECTIONS

This amendment is an amended Amendment A, and also responds to the PTO's Action mailed 2/7/07, as follows: claim 5 is cancelled. Claim 6 is not identical to claim 1, instead adding that the "sidewalls of the contact pins are insulated", a limitation absent from claim 1. This claim was deemed allowable as rewritten in independent form.

Claims 9, 10 and 14 are now cancelled. Claim 18 now depends from claim 16 rather than cancelled claim 15. Claim 20, also considered allowable if rewritten in independent form has been so rewritten. Claims 12 and 14 are cancelled; claims 16 and 18 are not cancelled, and are discussed below. Claims 11 and 15 are here cancelled, and rewritten as claims 29 and 33. Claim 17 now depends from claim 33.

Claims 11 to 14 were objected to because in claim 11 it was stated that there was no clear antecedent basis for "said clothing." Claim 29, similar to cancelled claim 11, changes "said clothing" to "said apparel" which finds antecedent basis in the first line of the claim.

In claim 14 the description of a tubular housing as being rectangular in cross section was objected to. Claim 14 has been cancelled.

Claims 12 and 13 were objected to for the same reasons as Claim 11. Claim 12 has been cancelled herein. Claim 13 should no longer be objected to since the objection to claim 11 has been addressed in its broad claim.

#### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 1, 2, 4, 8 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Anteby. Claim 10 is cancelled.

Claim 1 has been significantly amended and now recites that the housing has "an elongated sidewall" and that the contacts are now "contact pins spaced from each other longitudinally along the sidewall of said housing." Anteby shows no such contact pins spaced as claimed. Nor is Anteby's metal ball 26 anticipatory of applicant's recited

"elongated member of conducting material" which "spans the distance between said contact pins." Also the contacts 34 and 36 confine Anteby's ball 26 to a limited space.

As amended, claim 1 is allowable. Claims 4 and 8 depend from claim 1 and are allowable for the same reason. The electrical circuit recited in claim 4 is absent from Anteby.

### **CLAIM REJECTIONS – 35 U.S.C. §103**

In paragraph 8, the PTO rejected claims 3 and 7 for obviousness over Anteby in view of Park. Anteby, as the PTO concedes, does not disclose an angular switch housing. Park does show an angled housing 84. However, Park specifies in Column 3, lines 27-39 that the housing 36 shown in Figs 9 and 3

"is kept sufficiently small to prevent the rod from jamming open or closed. (lines 37-39). The switch of Fig.9 is mounted as shown in Fig. 3 "in a diagonal position so that in Fig. 3 position, for example, the rod 86 will be away from the contacts 80 and 82 to keep the switch open."

Anteby's switch 84 is different from applicant's invention as claimed in claim7 (dependent upon claim 1), namely that the conductive member is "a bar of such length that said bar spans said contacts, even if one end of said bar contacts one of said end members."

Therefore, Park is distinguishable from claims 3 and 7 in that it is for a stable table lamp with a switch in a predetermined position and orientation within the lamp housing, has two position only of the lamp housing for the switch to work (90° movement) and specifies a small switch enclosure to prevent rod jamming. All is in

direct contrast to the Applicant's claims which define a switch for lighted wearing apparel which will operate at any random movement of any angular orientation and with a housing with end walls large enough for free movement of the contact bar. Given these differences, a combination of Anteby and Park does not teach what applicant's claims 3 and 7 cover. Therefore, claims 1, 3 and 7 should be allowed.

Claims 5 and 9 were rejected over Anteby under 35 U.S.C.103(a). Both are cancelled.

The PTO in Paragraph 10, page 5 of the Office Action rejected claims 11-16, 18, 19 and 21-24 under 35 U.S.C.103(a) over Anteby in view of Park.

All of the differences of Anteby and Park expressed above with respect to the rejection of claims 3 and 7 apply equally with respect to the rejections of paragraph 10.

Further, claim 11, rewritten as claim 29, specifies that the contact pins are ---"spaced along a line parallel to the axis of said generally tubular housing---" This claim now also recites that "said electrical circuit is responsive to initiation of each said output signal to limit the time duration of illumination of said light source," which is not suggested by the references.

The interior of applicant's is housing virtually unobstructed for free movement of the bar in all directions within the housing, see Figs. 5, 6.

The Examiner considered the differences in the shapes of contact and the switch closing member as mere engineering choice. It is submitted that the applicant has achieved a switch and circuit design which in combination are truly non obvious, foolproof in expansion and reliable under totally uncontrolled conditions of footwear use by youngsters. The only link between the disclosures of Anteby and Park is found in the

teachings of the applicant. Anteby lacks the several features of the applicant's claimed combination of:

- a. a conducting bar, e.g., a simple length of wire;
- b. an elongated tubular housing; and
- c. contacts through the sidewall.

To modify the two position responsive lamp which calls for a small housing to prevent switch jamming as suggested would require one to go against the teaching of the applicant and would therefore contradict the obviousness of the invention as claimed. Claim 13 is dependent upon claim 11 and is allowable with claim 11. Claims 14 and 15 are cancelled.

Claim 16 defines an operational feature over and above Park where it recites:

A bar of electrical conducting material located within said housing, spaced from said contacts and of length at least sufficient to span the distance between said contacts even if one end of said bar is in contact with one of said end members, whereby movement of said switch causes said bar to bridge said contacts sending an electrical signal to said circuit and causing said light source to be illuminated.

Park's switch does not operate as claimed. Just "any movement of said switch will not cause bar 86 of Park to cause the bar to bridge contacts 80 and 82. Park's entire switch has to be rotated 90° for an electrical signal to be produced.

All described functions in one simple wire or flat clip is unobvious in a field where cost savings of a fraction of a penny are important (children's shoes and clothing).

In paragraph 11 of the Office Action, claim 17 was rejected for obviousness over Anteby in view of Wut. Claim 17 is now dependent upon claim 33 and recites a "timing circuit..." which is not suggested in the references as discussed below in connection with claim 18.

Claim 18, dependent upon claim 16, recites "a timing circuit connected between said switch and said light source for limiting the time during which said light source is illuminated following a single closure of said switch." Again, no such timing circuit is present in the references so claim 18 should be allowable. The patent to Wut has been cited as teaching a timing circuit, reference being to Col. 2, line 63, but no such timing circuit appears to be described. Thus, claims 17 and 18 should be allowable.

Claim 19 has been cancelled.

Claims 6 and 20 were considered allowable if rewritten to include the limitations of its head claim and any intervening claims. Applicant has done that here.

Claim 21 has been amended to include the limitations of claim 22 and now states that the "housing and said contact are configured such that said bar may rest against said contacts when said switch is at rest." No such configuration is taught or suggested in the cited references. This claim applies to applicant's embodiment shown in Fig. 14 – 16 wherein the movable bar 90 may rest against pins 80 and 82 without energizing lamps 24, 26, 28 if counter circuit 56 has shut off. Thus the amended claim recites "a circuit...for limiting the duration of the illumination of light source following each closure of said switch." This combination is not shown in the cited reference and claim 21, as amended, is allowable.

Claim 25 was rejected under 35 U.S.C. §103(a) as unpatentable over Park in view of Wut (U.S. 5,408,764). The patentable distinctions of applicant's invention are Anteby and Park discussed above apply here as well. Again the Examiner has cited Wut as disclosing a timing circuit connected between the power source and the light source for limiting the duration of the illumination of the light source following closure of the switch. Applicant has found no such timing circuit in Wut. Claim 25 should be allowable. This recitation ties in with the description that the movable member may rest against said contacts when the switch is at rest and can move first away and then against the contacts to cause said light source to be illuminated. Again, this refers to the embodiment of applicant's Figs. 14-16 where the movable member cannot continue to close the circuit after the counter 56 has finished counting and has interrupted power to the LEDS 24, 26 and 28. Applicant finds no timing circuit to limit the time of illumination as suggested by the PTO. A mere closing and opening of a switch is not a separate timing circuit..

Some new claims are presented here. New claim 29 is a rewritten version of cancelled claim 15, and is allowable for the same reasons as claim 16. Claim 30 is similar to claim 6, but refers to the "extension extending around said end members." No such structure appears in the cited references. New claim 31 is similar to claim 30, but does not recite the "extension extending...", and is not limited to a "tubular" or "elongated" housing. New claim 32 is dependent upon claim 31 and recites that the electrical circuit limits the time duration of illumination of the light source. New claim 33 is similar to cancelled claim 15 with amendments relating to the spacing of the pins and to limiting the duration of illumination of the light source.

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### CONCLUSION

The prior art made of record and not relied upon has been reviewed with interest but is believed not to anticipate applicant's claims or render them obvious over such art. Reexamination and reconsideration are respectfully requested.

The remaining claims are in condition for allowance and favorable action is requested.

Respectfully submitted,



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